

HOUSE BILL No. 1532

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-127; IC 9-19.

Synopsis: Motor vehicle occupant restraint systems. Prohibits a passenger motor vehicle from being stopped, inspected, or detained solely to determine compliance with the law concerning safety belt use by front seat occupants who are at least 16 years of age. Authorizes a motor vehicle to be stopped, inspected, or detained solely to determine compliance with child passenger restraint laws when there is probable cause to do so. Provides that failure to comply with the laws concerning safety belt and child restraint system use may constitute fault under the law concerning compensatory damages and comparative fault. Allows failure to comply with the laws concerning safety belt and child restraint system use to be admitted in civil actions to mitigate damages. Repeals conflicting laws concerning stopping, inspecting, or detaining vehicles to determine compliance with safety belt laws.

Effective: July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1532

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-127 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 127. (a) "Police officer"
3 means, except as provided in subsection (b), the following:

- 4 (1) A regular member of the state police department.
- 5 (2) A regular member of a city or town police department.
- 6 (3) A town marshal or town marshal deputy.
- 7 (4) A regular member of a county sheriff's department.
- 8 (5) A conservation officer of the department of natural resources.

9 (b) "Police officer", for purposes of **IC 9-19-11-3.9** and IC 9-21,
10 means an officer authorized to direct or regulate traffic or to make
11 arrests for violations of traffic regulations.

12 SECTION 2. IC 9-19-10-3.1 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2005]: **Sec. 3.1. A vehicle may not be stopped, inspected, or**
15 **detained solely to determine compliance with this chapter.**

16 SECTION 3. IC 9-19-10-7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Failure to comply



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with section ~~1, 2, 3, or 4~~ of this chapter ~~does not~~ **may** constitute fault under IC 34-51-2. ~~and does not limit the liability of an insurer.~~

(b) ~~Except as provided in subsection (c),~~ Evidence of the failure to comply with section ~~1, 2, 3, or 4~~ of this chapter may ~~not~~ be admitted in a civil action to mitigate damages, **including**

(c) ~~Evidence of a failure to comply with this chapter may be admitted in a civil action as to mitigation of damages in a product liability action involving a motor vehicle restraint or supplemental restraint system. The defendant in such an that action has the burden of proving noncompliance with this chapter, and that compliance with this chapter would have reduced injuries, and the extent of the reduction.~~

SECTION 4. IC 9-19-11-3.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.9. If a police officer has reasonable suspicion to believe that a violation of this chapter exists, a vehicle may be stopped, inspected, or detained solely in order to determine compliance.**

SECTION 5. IC 9-19-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. **(a)** Failure to comply with **section 2, 3, 3.3, or 3.6** of this chapter ~~does not~~ **may** constitute contributory negligence. ~~fault under IC 34-51-2.~~

(b) Evidence of failure to comply with **section 2, 3, 3.3, or 3.6** of this chapter may be admitted in a civil action to mitigate damages, **including a product liability action involving a safety belt or child restraint system.** The defendant in that action has the burden of proving:

- (1) noncompliance with this chapter;**
- (2) that compliance with this chapter would have reduced injuries; and**
- (3) the extent of the reduction.**

SECTION 6. IC 9-19-10-3 IS REPEALED [EFFECTIVE JULY 1, 2005].

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